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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,247

12/08/2003

Vaughn T. Rokosz

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7590

09/20/2006

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EXAMINER

WONG, LUT

ART UNIT

PAPER NUMBER

2129

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/730,247	ROKOSZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lut Wong	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12-08-2003</u> 2-11-04  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Objections***

Claims 6, 11, 16, 21 are objected to because of the following informalities:

Claims 6, 11, 16, 21 Line 1: Change "at least one of a" to —at least one of the following: a—.

Claims 6, 11, 16, 21 Line 4: Change "postings an" to —posting, an—.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 5, 10, 15, 20 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.**

Claims 5, 10, 15, 20 contain the trademark/trade name Lotus Note. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe

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a client-server collaborative software and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 13-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claim 13-17 recites the limitation "a computerized system". In according to applicant's disclosure, such system can be software per se. The intrinsic evidence can be found in applicant's disclosure p13 [0038]. Software is not one of the statutory categories, thus claims drawn to software per se is non-statutory.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipates by Netscan (<http://web.archive.org/web/20021001103129/netscan.research.microsoft.com/Static/Default.asp>).**

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**The relevant citations of Netscan and Examiner Note (EN) are denoted in parenthesis.**

**Claim 1:**

Netscan anticipates a computer-implemented method for analyzing a collaborative space (newsgroup), comprising: providing a collaborative space; and analyzing the collaborative space by measuring interactivity metrics between users of the collaborative space. (e.g. Number of posts and replies. See screenshot below

The screenshot shows the 'NEWSGROUP TRACKER' interface. It includes search filters for 'Find groups where name' (starts with 'Windowsxp' or 'and'), a date filter for '08/31/2002', and a 'Show Data' button. Below the filters is a table of newsgroup data for the month of August. The table has columns for Day, Week, Month of August, Posts, Posters, PPRatio, Returnees, Avg. Line Ctr, Replies, Repliers, Singles, UnRMSGs, XPposts, and XPtgs. The data is sorted by decreasing order of posts.

Day	Week	Month of August	Posts	Posters	PPRatio	Returnees	Avg. Line Ctr	Replies	Repliers	Singles	UnRMSGs	XPposts	XPtgs
21	1	89?Newsgroups	28525	17070	25	1037	29	21353	3235	4380	1436	2291	156
22	2	microsoft.public.windowsxp.general	13829	4971	36	505	33	8575	1715	3398	1652	1262	100
23	3	microsoft.public.es.windowsxp	8708	1378	16	1270	51	6649	1714	736	358	1792	49
24	4	microsoft.public.fr.windowsxp	7429	1773	24	375	32	5390	1005	911	440	142	33
25	5	microsoft.public.windowsxp.network.web	5455	2502	46	165	32	3122	970	1737	850	215	59

OR <http://web.archive.org/web/20021001103129/netscan.research.microsoft.com/Static/Default.asp>)

**Claim 2:**

Netscan anticipates the method of claim 1, further comprising categorizing the collaborative space based on the interactivity metrics. (The newsgroups are sorted in decreasing order of posts, with each group as a category. See the screenshot above.)

**Claim 3:**

Netscan anticipates the method of claim 2, further comprising recommending the collaborative space to a potential user based on desired interactivity metrics provided by the potential user. (When the user clicks on a metric, the newsgroups are resorted

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using the selected metric. See the screenshot above)

**Claims 4, 9, 14, 19:**

Netscan anticipates the desired interactivity metrics are provided by the potential user via a user interface. (A browser interface. See the screenshot above.)

**Claims 5, 10, 15, 20:**

Netscan anticipates the collaborative space is selected from the group consisting of a Internet newsgroups, Internet chat rooms, instant message exchanges, electronic mail exchanges, exchange databases, document management systems, discussion forums and LOTUS NOTES databases. (Newsgroups. See the screenshot above.)

**Claims 6, 11, 16, 21:**

Netscan anticipates the interactivity metrics include at least one of a probability of response to postings by the users (number of posts and replies. See the screenshot above), an average time of response to the postings, an average thread duration corresponding to the postings, an average time between responses to the postings, an average number of responses to the postings an average depth of a thread tree corresponding to the postings, and a participation analysis (number of posters and repliers. See the screenshot above).

**Claims 7, 12, 17, 22:**

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Netscan anticipates the interactivity metrics are measured periodically to determine how interactivity between the users changes over time (statistics can be measured in terms of day, week, and month. See the screenshot above).

**Claim 8:**

Netscan anticipates a computer-implemented method for analyzing collaborative spaces, comprising: providing a plurality of collaborative spaces (newsgroups. See screenshot above.); analyzing the plurality of collaborative spaces by measuring interactivity metrics between users of the plurality of collaborative spaces (measure number of posts and replies, etc. See screenshot above.); categorizing the plurality of collaborative spaces based on the interactivity metrics (ordering newsgroups by selected metrics. See screenshot above.); receiving desired interactivity metrics from a potential user of the plurality of collaborative spaces (When the user click on a metric, the newsgroups are re-ordered based on the selected metrics. See the screenshot above); and recommending at least one of the categorized plurality of collaborative spaces to the potential user based on the desired interactivity metrics (newsgroups shown in the top are recommended. See the screenshot above.).

**Claim 13:**

Netscan anticipates a computerized system for analyzing a collaborative space, comprising: a metric analysis system (EN: metric analysis system is merely a software. Netscan is a software that analysis newsgroups statistics. See the screenshot above.)

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for analyzing a plurality of collaborative spaces by measuring interactivity metrics between users of the collaborative spaces; a categorization system (EN: categorization system is merely a software. Netscan is a software that categorize newsgroups by activity statistic or hierarchy. See the screenshot above.) for categorizing the plurality of collaborative spaces based on the interactivity metrics; and a recommendation system (EN: recommendation system is merely a software. Netscan is a software that recommend newsgroup(s) based on user selected metric. See the screenshot above.) for recommending at least one of the categorized plurality of collaborative spaces to a potential user based on desired interactivity metrics provided by the potential user.

**Claim 18:**

Netscan anticipates a program product stored on a recordable medium (EN: Netscan is a software which must be store in a computer readable medium in order to be executed by a processor.) for analyzing a collaborative space, which when executed comprises: program code for analyzing a plurality of collaborative spaces (Netscan is a software that analysis newsgroups statistics. See the screenshot above) by measuring interactivity metrics between users of the collaborative spaces; program code for categorizing the plurality of collaborative spaces based on the interactivity metrics (Netscan is a software that categorize newsgroups by activity statistic or hierarchy. See the screenshot above.); and program code for recommending (Netscan is a software that recommend newsgroup(s) based on user selected metric. See the screenshot above.) at least one of the categorized plurality of collaborative spaces to a potential



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user based on desired interactivity metrics provided by the potential user.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Google groups (<http://groups.google.com>) teaches newsgroup searching and classification based on activity volumes, group members, and hierarchy.

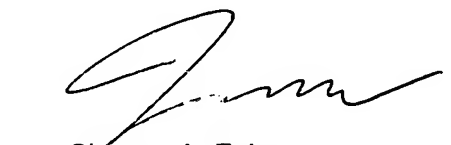
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lut Wong whose telephone number is (571) 270-1123. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571) 272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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